

Legislative Analysis



WORKER'S COMPENSATION FOR HEALTH CARE VOLUNTEERS DURING STATE OF EMERGENCY

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House Bill 4552

Sponsor: Rep. Kenneth Kurtz

Committee: Commerce

Complete to 9-19-11

A SUMMARY OF HOUSE BILL 4552 AS INTRODUCED 4-13-11

House Bill 4552 would amend Section 161 of the Worker's Disability Compensation Act to include in the definition of "employee" those health professionals who volunteer to provide health services during a declared state of disaster or emergency and who are registered with the Michigan Volunteer Registry. Specifically, they would be considered employees of the State of Michigan for purposes of workers' compensation when engaged in the performance of duties or services as a registrant or when training to provide those duties or services. In order to be eligible the individual cannot be eligible to receive injury or death benefits from another employer.

For purposes of calculating the weekly rate of compensation provided under the act, eligible individuals would be considered to be earning the state average weekly wage from the State of Michigan at the time of injury or death. However, the bill says that if the individual's weekly wage was greater than the state average weekly wage at the time of injury or death, the individual's weekly rate of compensation would be determined based upon his or her weekly average wage. The bill also says that the State of Michigan shall exercise all the rights and obligations of an employer and carrier as provided for under the act.

The bill also specifies that the apportionment provisions in Section 372 that determine liability for wages if an employee has more than one employer do not apply to the health care volunteers described in the bill.

(Note: Specifically, the bill refers to "an individual registered with the State of Michigan verification system described in [federal statute at] 42 USC 247D-7B." That federal statute applies to the "emergency system for advance registration of health professions volunteers.")

MCL 418.161 and 418.372

FISCAL IMPACT:

House Bill 4552 would increase the liability of the state in paying workers' compensation claims of volunteer health professionals who are registered with the Michigan Volunteer Registry and are injured or killed in training or the performance of duties as a Registrant.

By defining volunteer health professionals who are registered with the Michigan Volunteer Registry as employees of the state when performing their duties and by exempting them from Sec. 371 (1)(b) the state is taking on the liability of a full-time employer in paying claims.

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